

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DISH NETWORK L.L.C.,  
ECHOSTAR TECHNOLOGIES L.L.C., and  
NAGRASTAR LLC,

Plaintiffs,

v.

ORDER  
11-CV-500A

WILLIAM SCOTT,

Defendant.

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The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 25, 2012, Magistrate Judge Foschio filed a Report and Recommendation, recommending that Plaintiffs' motion for sanctions [17], seeking to strike Defendant's answer [7], as a sanction for failing to comply with discovery, with default entered in favor of Plaintiffs should be granted and that Plaintiffs' motion seeking summary judgment [18] is dismissed as moot without prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, Plaintiffs' motion for sanctions [17], seeking to strike Defendant's answer [7], as a sanction for failing to comply with discovery, with default entered in favor of Plaintiffs is granted, and Plaintiffs' motion seeking summary judgment [18] is dismissed as moot without

prejudice.

The case is referred back to Magistrate Judge Foschio for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: October 17, 2012